

REMARKS

The Applicant respectfully submits this Amendment and Request for Reconsideration in response to the Office Action mailed on 19 December 2008.

In the present Amendment, the Applicants amend claims 1, 2, 4, 13, 17, 18, 19, 21, 23, 24, and 25; no claims have been added or canceled. The Applicants respectfully requests entry of the amendment and reconsideration of the claims as amended. The Applicant submits that no new matter has been entered; the amendment is fully supported by the application as originally filed.

In the Office Action of 19 December 2008, the Examiner rejected most under 35 U.S.C. § 103(a) as being obvious based on Black (U.S. Patent No. 7,130,282) in view of Bao et al. (U.S. Patent Application Publication No. 2004/0196826). In response, the Applicant amends the claims, but respectfully disagrees with the rejections and submits that the claims are allowable over the relied upon art for at least the following reasons.

In order for claims to be properly rejected under 35 U.S.C. § 103(a), the prior art in combination must teach or suggest each and every limitation of the claims. In the present case, the relied upon art fails to teach or suggest each and every limitation of the amended claims.

1. The Relied Upon Art Fail To Teach Or Suggest A "Private Instant Communications Processing Element Of A Private Communication Network" Which Interacts With A Carrier Instant Communications Processing Element Of A Carrier Network As Claimed.

Claims of the present application relate to a "private instant communications processing element" which is adapted to "perform instant communications signal processing upon the received instant communications signals" which are transmitted to a "carrier instant communications processing element in the first carrier network for

communication to other wireless user devices operative in the first carrier network" (see e.g. claim 1) or the like. Similarly, for example, claim 21 recites "a private instant communications client adapted to participate in instant communications sessions delivered via the carrier instant communications processing element in the carrier network, such that session communications are routed and processed through a private instant communications processing element of a private communication network, when the wireless user device operates in the carrier network."

The relied upon art alone or in combination fails to teach or suggest a private instant communications processing element of a private communication network which interacts via a carrier instant communications processing element of a carrier network, as claimed. One example of an instant communications processing element is a Push-to-talk Over Cellular (PoC) server.

In the rejection of claims, the Examiner relies on the Boa et al. reference for such alleged teachings, admitting that "Black fails to disclose routing signals to the private communication network." The Examiner states that "Boa et al. disclose routing signals to the private communication network (para.044, 051)." In paragraphs 44 and 51 of Boa et al., what is described is the use of Packet Data Serving Nodes (PSDNs) for packet data sessions. In response, the Applicant respectfully submits that the elements described in Boa et al. (e.g. the PSDNs or other) are not the same as any "PoC server", or any "private instant communications processing element" of a private network, as claimed. One ordinarily skilled in the art would not characterize PSDNs as any "private instant communications processing element" of a private network as claimed. It is clear from Black that the PSDN is part of a *carrier* network.

As apparent, the Boa reference fails to teach or suggest the limitations of the claims as amended, and the Black reference fails to make up for the deficiencies of Boa et al. For these reasons alone, the rejections should be withdrawn and the claims as amended be allowed over the prior art of record.

2. The Relied Upon Art Fails To Teach Or Suggest The Producing Of A "Combined Signal" By A Private Instant Communications Processing Element Of A Private Network For Communication To A Carrier Instant Communications Processing Element Of A Carrier Network.

Claims of the present application relate to "a PICP (private instant communications processing element) ... further adapted to receive and combine instant communications signals from the private user devices operating in the first carrier network into a combined generic signal for inclusion as one of the inputs to the instant communications session delivered by the CICP via said carrier network" (see e.g. claim 13) or the like. Similarly, for example, claim 25 recites "a PICP (private instant communications processing element) of a private communication network which is adapted to receive and process the signals from the private user devices operating in a carrier network for communication to a CICP (carrier instant communications processing element) of the carrier network which is adapted to deliver the PoC communication session" where "the PICP [is] further adapted to receive and combine the signals of the private user devices into a combined signal."

The relied upon art alone or in combination fails to teach or suggest a "combined signal" for a plurality of wireless user devices which is produced by a private instant communications processing element for communication to a carrier instant communications processing element. One example of an instant communications processing element is a Push-to-talk Over Cellular (PoC) server.

In the rejection of claims, the Examiner relies on the Black reference for its alleged teachings of such "combined signal" and references column 8 at lines 51-62 of Black. There it is stated that:

One embodiment of the system and method for providing group communication services operates over standard air interface IP packet data services, for example, as defined in IS-707, and conventional IP. One traffic channel is

allocated per registered CD while a group is active, i.e. media being transmitted between members. Each group is defined and identified by its name, which when combined with the address of a host system, defines a destination address that may be expressed in the form of a SIP URL. As previously mentioned, SIP (Session Initiation Protocol) is a well defined signaling protocol used to control setup and control signaling between CDs and CM 218.

In response, the Applicant respectfully submits that the processing described in the Black reference is not that which is claimed. For one, there is no "private instant communications processing element" which performs the claimed processing in the passage referenced by the Examiner. Secondly, the signals are not described as being combined from the private user devices operating in the carrier network for inclusion as one of the inputs to the instant communications session delivered by the carrier instant communications processing element.

As apparent, the Black reference fails to teach or suggest the limitations of the claims as amended, and the Boa et al. reference fails to make up for the deficiencies of Black. For these reasons alone, the rejections should be withdrawn and the claims as amended be allowed over the prior art of record.

3. The Relied Upon Art Fails To Teach Or Suggest The Inclusion Of A "Generic Identifier Instead Of The User Identifier".

Claims of the present application relate to "a PICP (private instant communications processing element) ... further adapted to receive and combine instant communications signals from the private user devices operating in the first carrier network into a combined generic signal for inclusion as one of the inputs to the instant communications session delivered by the CICIP via said carrier network" where the combined generic signal [is] communicated to the CICIP with a generic identifier instead

of any of the user identifiers of the private user devices so that the user identifiers of the private user devices are not revealed" (see e.g. claim 13). See also e.g. claims 21 and 24 which recite that "the session communications from the wireless user device are assigned and communicated with a generic identifier by the private instant communications processing element instead of the user identifier of the wireless user device so that the user identifier is not revealed in the session communications."

In the rejection of claims, the Examiner relies on the Black reference for its alleged teachings of such "generic identifier" and references column 8 at lines 51-62 of Black. There it is stated that:

One embodiment of the system and method for providing group communication services operates over standard air interface IP packet data services, for example, as defined in IS-707, and conventional IP. One traffic channel is allocated per registered CD while a group is active, i.e. media being transmitted between members. Each group is defined and identified by its name, which when combined with the address of a host system, defines a destination address that may be expressed in the form of a SIP URL. As previously mentioned, SIP (Session Initiation Protocol) is a well defined signaling protocol used to control setup and control signaling between CDs and CM 218.

In response, the Applicant respectfully submits that the teachings in the Black reference is not that which is claimed. First, there is no explicit teaching that Black utilizes a generic identifier for a plurality of user devices *instead of* a user identifier of the user device. Secondly, Black appears to teach the opposite of that which is claimed, as in column 16 at lines 65-67 through column 17 at lines 1-2 of Black: "A user definition may include a username, unique CD cellular system identifier, CD phone number, and user e-mail address. CM 218 will also internally define a unique user identifier, which may be passed to CD 202 and used to uniquely identifier the user in signaling messages."

As apparent, the Black reference again fails to teach or suggest the limitations of the claims as amended. Furthermore, the Boa et al. reference fails to make up for the deficiencies of Black. For these reasons alone, the rejections should be withdrawn and the claims as amended be allowed over the prior art of record.

Additional reasons for allowability of these independent and dependent claims are apparent to those ordinarily skilled in the art, but are not detailed herein due to the already-presented reasons for allowability.

Again, the Applicant respectfully requests entry of the Amendment and reconsideration of the claims. Based on the reasons provided herein, the Applicant submits that the application as amended overcomes the rejections and is now in a condition suitable for allowance.

Thank you. Please feel free to contact the undersigned if it would expedite the prosecution of the present application.

Respectfully submitted,

/John J. Oskorep/

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